

KILPATRICK TOWNSEND & STOCKTON LLP  
DAVID K. CAPLAN (State Bar No. 181174)  
[dcaplan@kilpatricktownsend.com](mailto:dcaplan@kilpatricktownsend.com)  
1801 Century Park East, Suite 2300  
Los Angeles, CA 90067  
Telephone: 310-248-3830  
Facsimile: 310.860.0363

Attorneys for Petitioner  
Light & Wonder, Inc.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**IN RE: DMCA SECTION 512(h)  
SUBPOENA TO GOOGLE LLC**

Case No.:

**LIGHT & WONDER, INC.'S REQUEST  
TO THE CLERK FOR ISSUANCE OF A  
SUBPOENA PURSUANT TO 17 U.S.C.  
§ 512(h) TO IDENTIFY ALLEGED  
INFRINGEMENTS**

Petitioner Light & Wonder, Inc. (“Light & Wonder”), by and through its undersigned counsel of record, hereby requests that the Clerk of this Court issue a subpoena directed to Google LLC (“Google”) to identify an alleged infringer or infringers, pursuant to the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 512(h) (the “Subpoena”). A copy of the proposed Subpoena is attached hereto as Exhibit 3 to the Declaration of David K. Caplan (“Caplan Decl.”).

The requested subpoena relates to infringing material that Light & Wonder discovered on the websites <<https://www.triple-pg.com>> and <<https://weblobby.triple-pg.com/game/HTML5/SlotGame16/73/dUY0VEFQYm80cFdKVU1qM1p3TlRHTHk3U1ViUXJyMnFjMVFc0xESjFlMmk4TW82VG9KbkE3TDdXamdwMHJiSG1jdmZwaS9ubW1NSVV0M24rZWljbHBDc2NXR3lxcE1CUVdJWVZ4VmRMd2RucUo3VUo2S1M2ckdqQTk2YUV1cnF5UVNqNDkxbI-NLSjRpccnEwd3Jqb1lBPT0?sfx=1&bgm=1&lang=1&fps=0&mode=2>>, for which



**LIGHT & WONDER, INC.'S REQUEST FOR ISSUANCE OF A  
DMCA SECTION 512(H) SUBPOENA TO GOOGLE LLC**

KILPATRICK TOWNSEND & STOCKTON LLP  
1801 Century Park East, Suite 2300  
Los Angeles, CA 90067  
310-248-3830

Light & Wonder is informed and believes Google is the Hosting Provider. The infringing material includes, without limitation, unauthorized copies of copyrighted images and content from the 88 Fortunes® family of games (“88 Fortunes”), of which Light & Wonder is the exclusive owner of all copyright, trademark, and other intellectual property rights.

Light & Wonder has satisfied the requirements for issuance of a subpoena pursuant to  
17 U.S.C. § 512(h), namely:

- (1) Light & Wonder has submitted a copy of the notification required by 17 U.S.C. § 512(c)(3)(A). *See* Caplan Decl. ¶ 4, Ex. 2.
  - (2) Light & Wonder has submitted the proposed Subpoena concurrently herewith. *See* Caplan Decl. ¶ 6, Ex. 3.
  - (3) Light & Wonder has submitted a sworn declaration confirming that the purpose for which the Subpoena is sought is to obtain the identity of the alleged infringer or infringers, and that such information will only be used for the purpose of protecting rights under Title 17 U.S.C. § 512(h)(2). *See* Caplan Decl. ¶ 5.

Because Light & Wonder has complied with the statutory requirements, Light & Wonder respectfully requests that the Clerk expeditiously issue and sign the proposed Subpoena pursuant to 17 U.S.C. § 512(h)(4) and return it to the undersigned counsel for service on the subpoena recipient.

DATED: May 30, 2023

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

By:

Dill

Attorneys for Petitioner Light & Wonder, Inc.

1 KILPATRICK TOWNSEND & STOCKTON LLP  
2 DAVID K. CAPLAN (State Bar No. 181174)  
3 dcaplan@kilpatricktownsend.com  
4 1801 Century Park East, Suite 2300  
5 Los Angeles, CA 90067  
6 Telephone: 310-248-3830  
7 Facsimile: 310.860.0363

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10 Attorneys for Petitioner  
11 Light & Wonder, Inc.  
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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

IN RE: DMCA SECTION 512(h)  
SUBPOENA TO GOOGLE LLC

Case No.:

**DECLARATION OF DAVID K. CAPLAN  
IN SUPPORT OF LIGHT & WONDER,  
INC.’S REQUEST TO THE CLERK FOR  
ISSUANCE OF A SUBPOENA  
PURSUANT TO 17 U.S.C. § 512(h) TO  
IDENTIFY ALLEGED INFRINGERS**

**DECLARATION OF DAVID K. CAPLAN**

I, David K. Caplan, declare as follows:

1. I am a partner with the law firm of Kilpatrick Townsend & Stockton LLP, counsel of record for Petitioner Light & Wonder, Inc. (“Light & Wonder”). I have personal knowledge of the facts contained herein and, if called upon to do so, could and would testify competently thereto.

2. I submit this declaration in support of Light & Wonder’s request for issuance to Google LLC (“Google”), the Hosting Provider for the websites <<https://www.triple-pg.com>> and <https://weblobby.triple->

DECL. OF DAVID K. CAPLAN ISO LIGHT & WONDER,  
INC.’S REQUEST FOR ISSUANCE OF A  
DMCA SECTION 512(H) SUBPOENA TO GOOGLE LLC

- 1 -

KILPATRICK TOWNSEND & STOCKTON LLP  
9720 WILSHIRE BLVD, PH  
BEVERLY HILLS, CA 90212  
310-248-3830

1 [pg.com/game/HTML5/SlotGame16/73/dUY0VEFQYm80cFdKVU1qM1p3TIRHTHk3U1ViUXJyMnFjMVFc0xESjFIMmk4TW82VG9KbkE3TDdXamdwMHJiSG1jdmZwaS9ubW1NSVV0M24rZWljbHBDc2NXR3lxcE1CUVdJWVZ4VmRMd2RucUo3VUo2S1M2ckdqQTk2YUV1cnF5UVNqNDkxbLNLSjRpccnEwd3Jqb1IBPT0?sfx=1&bgm=1&lang=1&fps=0&mode=2](http://pg.com/game/HTML5/SlotGame16/73/dUY0VEFQYm80cFdKVU1qM1p3TIRHTHk3U1ViUXJyMnFjMVFc0xESjFIMmk4TW82VG9KbkE3TDdXamdwMHJiSG1jdmZwaS9ubW1NSVV0M24rZWljbHBDc2NXR3lxcE1CUVdJWVZ4VmRMd2RucUo3VUo2S1M2ckdqQTk2YUV1cnF5UVNqNDkxbLNLSjRpccnEwd3Jqb1IBPT0?sfx=1&bgm=1&lang=1&fps=0&mode=2) (together, the  
 2 “Infringing Websites”), of a subpoena pursuant to the Digital Millennium Copyright Act  
 3 (“DMCA”), 17 U.S.C. § 512 (h) (the “Subpoena”), to identify one or more alleged infringers  
 4 whom Light & Wonder is informed and believes posted copyrighted images and content from the  
 5 88 Fortunes® family of games (the “Infringing Content”) on systems operated by Cloudflare  
 6 without Light & Wonder’s authorization.

7 3. On November 30, 2022 and May 9, 2023, Light & Wonder submitted notifications  
 8 to Cloudflare, Inc. (“Cloudflare”), the Internet Service Provider for the Infringing Websites,  
 9 identifying the Infringing Content on Cloudflare’s systems and providing the information required  
 10 by 17 U.S.C. § 512(c)(3)(A). Cloudflare responded that it provided only “pass-through” services,  
 11 and identified Google as the hosting provider of the Infringing Content. Attached hereto as  
 12 **Exhibit 1** are true and correct copies of the notifications sent to Cloudflare and Cloudflare’s  
 13 responses.

14 4. On December 21, 2022, Light & Wonder submitted notifications to Google  
 15 identifying the Infringing Content on Google’s systems and providing the information required by  
 16 17 U.S.C. § 512(c)(3)(A). Light & Wonder followed up on this notification on February 15, 2023  
 17 and again on April 27, 2023. Attached hereto as **Exhibit 2** are true and correct copies of the  
 18 notification and follow up requests sent to Google.

19 5. The purpose for which the Subpoena to Google is sought is to obtain the identity of  
 20 the alleged infringer (or infringers) and such information will only be used for the purpose of  
 21 protecting rights under title 17 U.S.C. §§ 100, *et seq.*

22 6. A true and correct copy of Light & Wonder’s proposed Subpoena to Google is  
 23 attached hereto as **Exhibit 3**.

1 I declare under penalty of perjury under the laws of the State of California and United  
2 States of America that the foregoing is true and correct.

3 Executed on May 30, 2023, at Los Angeles, California.

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David K. Caplan



# EXHIBIT 1

**Kautz, Rose**

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**From:** Caplan, David  
**Sent:** Thursday, April 27, 2023 10:24 AM  
**To:** Kautz, Rose  
**Subject:** FW: [9f9bb0b508e15a6c]: Cloudflare has responded to your DMCA copyright infringement complaint

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

David Caplan  
Kilpatrick Townsend & Stockton LLP  
1801 Century Park East | Suite 2300 | Los Angeles, CA 90067 office 310 777 3722 | cell 323 828 5970 | fax 310 388 5312  
dcaplan@kilpatricktownsend.com | www.kilpatricktownsend.com

-----Original Message-----

From: Cloudflare <abuse@notify.cloudflare.com>  
Sent: Wednesday, November 30, 2022 2:56 PM  
To: Caplan, David <DCaplan@kilpatricktownsend.com>  
Subject: [9f9bb0b508e15a6c]: Cloudflare has responded to your DMCA copyright infringement complaint

\*\*CAUTION: External Email\*\*

Cloudflare received your DMCA copyright infringement complaint regarding: triple-pg.com

Cloudflare offers network service solutions including pass-through security services, a content distribution network (CDN) and registrar services. Due to the pass-through nature of our services, our IP addresses appear in WHOIS and DNS records for websites using Cloudflare. Cloudflare cannot remove material from the Internet that is hosted by others.

Accepted URL(s) on weblobby.triple-pg.com:

<https://weblobby.triple-pg.com/game/HTML5/SlotGame16/73/dUY0VEFQYm80cFdKVU1qM1p3TIRHTk3U1ViUXJyMnFjMVHc0xESjFIMmk4TW82VG9KbkE3TDdXamdwMHJiSG1jdmZwaS9ubW1NSVV0M24rZWljbHBDc2NXR3lxcE1CUVdJWVZ4VmRMd2RucUo3VUo2S1M2ckdqQTk2YUV1cnF5UVNqNDkxbINLSjRpcnEwd3Jqb1IBPT0?sfx=1&bgm=1&lang=1&fps=0&mode=2>

Hosting Provider:

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Google LLC  
Abuse Contact: [google-cloud-compliance@google.com](mailto:google-cloud-compliance@google.com)  
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We have notified our customer of your report.  
We have forwarded your report on to the responsible hosting provider.

You may also direct your report to:

1. The provider where triple-pg.com is hosted (provided above); 2. The owner listed in the WHOIS record for triple-pg.com and/or; 3. The contact listed on the triple-pg.com site.

Note: A lookup of the IP for a Cloudflare customer website will show Cloudflare IPs because we are a pass-through network. The actual website is still hosted at the hosting provider indicated above. If the hosting provider has any questions, please have the hosting provider contact us directly regarding this site. Due to attempted abuse of our complaint reporting process, we will only provide the IP of triple-pg.com to the responsible hosting provider if they contact us directly at abusereply@cloudflare.com.

Regards,  
Cloudflare Trust & Safety

## Submit an Abuse Report

Copyright Infringement &amp; DMCA Violations

Your full name

© holder's full name

Your email address

Confirm email address

Title Optional

Company name Optional

Telephone Optional

Address

City

State / province

Country

Infringing URLs

Describe the original work

512(f) acknowledgment, Good faith belief, Authority to act  By checking this box, you attest, under penalty of perjury, that you have a good faith belief that use of the material in this report is not authorized by the copyright owner, its agent, or the law; AND you are authorized to act on behalf of the copyright owner; AND you understand, under 17 U.S.C. § 512(f), you may be liable for any damages, including costs and attorneys' fees, if you knowingly materially misrepresent reported material.

I understand and agree

Digital signature By entering your name, you affirm all information is true and accurate while agreeing to the policies on this page

Because Cloudflare does not have the ability to remove content from a website, it is our practice to forward abuse complaints to entities like the hosting provider and/or website owner to follow up. Please specify:

Who should be notified?  Please forward my report to the website hosting provider.  Include my name and contact information with the report to the website hosting provider.

Note: The hosting provider may have their own policies for how they notify the website owner of a complaint.

Please forward my report to the website owner.  Include my name and contact information with the report to the website owner.

**Kautz, Rose**

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**From:** Cloudflare <noreply@notify.cloudflare.com>  
**Sent:** Tuesday, May 9, 2023 8:13 PM  
**To:** Kautz, Rose  
**Subject:** [c59a6d52aa170eca] Cloudflare: Abuse report confirmation

**\*\*CAUTION: External Email\*\***

This email is to confirm that your abuse report to Cloudflare has been received and will be processed shortly.

This may be the only response you receive regarding your report. Due to the large volume of reports we receive, it is not possible for us to send a personal response to every report.

Cloudflare offers network service solutions including pass-through security services, a content distribution network (CDN) and domain registrar services. Due to the pass-through nature of our services, our IP addresses appear in WHOIS and DNS records for websites using Cloudflare. Cloudflare is not generally a website hosting provider, and we cannot remove material from the Internet that is hosted by others.

Regards,  
Cloudflare Trust & Safety

**Kautz, Rose**

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**From:** Cloudflare <abuse@notify.cloudflare.com>  
**Sent:** Tuesday, May 9, 2023 8:13 PM  
**To:** Kautz, Rose  
**Subject:** [c59a6d52aa170eca]: Cloudflare has responded to your DMCA copyright infringement complaint

\*\*CAUTION: External Email\*\*

Cloudflare received your DMCA copyright infringement complaint regarding: triple-pg.com

Cloudflare offers network service solutions including pass-through security services, a content distribution network (CDN) and registrar services. Due to the pass-through nature of our services, our IP addresses appear in WHOIS and DNS records for websites using Cloudflare. Cloudflare cannot remove material from the Internet that is hosted by others.

Accepted URL(s) on weblobby.triple-pg.com:

<https://weblobby.triple-pg.com/game/HTML5/SlotGame16/73/dUY0VEFQYm80cFdKVU1qM1p3TIRHTk3U1ViUXJyMnFjMVFc0xESjFIMmk4TW82VG9KbkE3TDdXamdwMHJiSG1jdmZwaS9ubW1NSVV0M24rZWljbHBDc2NXR3lxcE1CUVdJWVZ4VmRMd2RucUo3VUo2S1M2ckdqQTk2YUV1cnF5UVNqNDkxbI-NLSjRpcnEwd3Jqb1IBPT0?sfx=1&bgm=1&lang=1&fps=0&mode=2>

Hosting Provider:  
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GOOGLE-CLOUD-PLATFORM

Abuse Contact:  
-----

google-cloud-compliance@google.com

We have notified our customer of your report.

We have forwarded your report on to the responsible hosting provider.

You may also direct your report to:

1. The provider where triple-pg.com is hosted (provided above); 2. The owner listed in the WHOIS record for triple-pg.com and/or; 3. The contact listed on the triple-pg.com site.

Note: A lookup of the IP for a Cloudflare customer website will show Cloudflare IPs because we are a pass-through network. The actual website is still hosted at the hosting provider indicated above. If the hosting provider has any questions, please have the hosting provider contact us directly regarding this site. Due to attempted abuse of our complaint reporting process, we will only provide the IP of triple-pg.com to the responsible hosting provider if they contact us directly at abusereply@cloudflare.com.

Regards,  
Cloudflare Trust & Safety

# EXHIBIT 2

**Kautz, Rose**

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**From:** Caplan, David  
**Sent:** Thursday, April 27, 2023 10:20 AM  
**To:** removals@google.com  
**Cc:** Olivier, Caroline; Kautz, Rose  
**Subject:** RE: [2-7622000033013]Your Request to Google

I am following up on our request below. The infringing game is still available and your customer has not responded to our multiple requests that they cease the infringing conduct. Please confirm you will disable access to the content identified below.

**David Caplan**  
**Kilpatrick Townsend & Stockton LLP**  
1801 Century Park East | Suite 2300 | Los Angeles, CA 90067  
office 310 777 3722 | cell 323 828 5970 | fax 310 388 5312  
[dcaplan@kilpatricktownsend.com](mailto:dcaplan@kilpatricktownsend.com) | [My Profile](#) | [vCard](#)

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**From:** Caplan, David  
**Sent:** Wednesday, February 15, 2023 12:12 PM  
**To:** removals@google.com  
**Cc:** Olivier, Caroline <[COlivier@kilpatricktownsend.com](mailto:COlivier@kilpatricktownsend.com)>  
**Subject:** RE: [2-7622000033013]Your Request to Google

I am following up on our request below. The infringing game is still available and your customer has not responded to our multiple requests that they cease the infringing conduct. Please confirm you will disable access to the content identified below.

**David Caplan**  
**Kilpatrick Townsend & Stockton LLP**  
1801 Century Park East | Suite 2300 | Los Angeles, CA 90067  
office 310 777 3722 | cell 323 828 5970 | fax 310 388 5312  
[dcaplan@kilpatricktownsend.com](mailto:dcaplan@kilpatricktownsend.com) | [My Profile](#) | [vCard](#)

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**From:** Caplan, David <[DCaplan@kilpatricktownsend.com](mailto:DCaplan@kilpatricktownsend.com)>  
**Sent:** Wednesday, December 21, 2022 5:24 PM  
**To:** [removals@google.com](mailto:removals@google.com)  
**Cc:** Olivier, Caroline <[COlivier@kilpatricktownsend.com](mailto:COlivier@kilpatricktownsend.com)>  
**Subject:** FW: [2-7622000033013]Your Request to Google

Dear Google Team [Ticket # 2-7622000033013],

We are outside counsel to Light & Wonder, Inc. (collectively, with its subsidiaries SG Gaming, Inc. and Bally Gaming, Inc. hereinafter “L&W”). L&W is owner of copyright, trademark, and other intellectual property rights in the **88 Fortunes®** family of games (“88 Fortunes”), including, but not limited to, highly popular physical slot machine style games, online wagering versions of those games, and online and downloadable non-wagering versions of those games.

L&W has reached out to the website operator on three separate occasions (August 31, 2022, September 8, 2022, and November 15, 2022) (attached hereto as L&W Exhibit A), and failed to receive a response from the operator each time. However, the operator did make certain trivial revisions to their Infringing Domain, which we suspect were made in direct response to L&W's demand letters. To date, L&W has been unable to elicit a response from the infringing party.

***We respectfully request that you permanently disable the domain <***

### **Valid Trademarks:**

L&W owns trade dress rights in the distinctive look and feel of 88 Fortunes, and trademark rights relating to 88 Fortunes worldwide, including registered trademarks in the United States, such as 88 FORTUNES (see, e.g., U.S. Reg. Nos. 4846359, 5623785 and 5623931), and SUPER 88 FORTUNES (see U.S. Reg. No. 5754383) (collectively, the “88 Fortunes Marks”).

L&W’s substantial investment in developing and providing goods and services using the 88 FORTUNES Marks has generated substantial and valuable goodwill and has made the 88 Fortunes family of games well-known among the global consuming public.

### **Valid Copyrights:**

L&W is the sole and exclusive owner of all right, title, and interest in the unique art assets, characters, scenes, graphical displays, and other protected elements of artistic expression appearing in the 88 Fortunes games. According to 17 U.S. Code § 102, Copyright protection subsists, in “original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.” Although not required by Copyright law, L&W has obtained 18 federal copyright registrations related to the 88 Fortunes games.

### **Unauthorized Use:**

It has come to our attention that your customer is operating the Infringing Domain, which is a near-duplicate of 88 Fortunes, that appears to be designed to mislead customers into believing it is an official 88 Fortunes game, is associated or affiliated with, or is licensed or sponsored by L&W. Specifically, the game available at the Infringing Domain utilizes a title, branding, and trade dress that are substantially indistinguishable from the 88 Fortunes Marks, branding, and trade dress. In addition, the overall look and feel of the game available at the Infringing Domain is substantially and strikingly similar to 88 Fortunes, due to extensive copying of L&W’s copyrighted images as shown in the chart below:

L&W Symbol	Previous Unauthorized Copy	Unauthorized Copy
		

L&W Symbol	Previous Unauthorized Copy	Unauthorized Copy
		
		
		
		
		

Such use will inevitably cause consumers to believe that the Infringing Domain's services are offered, endorsed by, or associated with L&W or 88 Fortunes, when that is not the case. Such activity constitutes copyright and trademark infringement and unfair competition, which harms consumers and damages our client's reputation. Notably, L&W's rights in the 88 Fortunes Marks pre-date the registration of the Infringing Domain.

**We kindly request that you permanently disable the Infringing Domain.**

I have a good faith belief that the use of the trademarks and copyrights described above is not authorized by the owner, or its agent, or the law. I have taken nominative and other fair uses into consideration.

I swear, under penalty of perjury, that the information in this notification is accurate and that I am authorized to act on behalf of the owner, of an exclusive right that is allegedly infringed.

/s/David Caplan/

**David Caplan**

Kilpatrick Townsend & Stockton LLP

1801 Century Park East | Suite 2300 | Los Angeles, CA 90067

office 310 777 3722 | cell 323 828 5970 | fax 310 388 5312

[dcaplan@kilpatricktownsend.com](mailto:dcaplan@kilpatricktownsend.com) | [My Profile](#) | [vCard](#)

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**From:** [removals@google.com](mailto:removals@google.com) <[removals@google.com](mailto:removals@google.com)>  
**Sent:** Wednesday, December 21, 2022 12:45 AM  
**To:** Caplan, David <[DCaplan@kilpatricktownsend.com](mailto:DCaplan@kilpatricktownsend.com)>  
**Subject:** Re: [2-7622000033013]Your Request to Google

\*\*CAUTION: External Email\*\*

Hello,

Thanks for reaching out to us.

Please note that Google is acting here as a cloud services platform, and not a creator or owner of the content. Our customers may create content that is hosted on our cloud services platform, but we don't make any claims about the content.

The best way to resolve your dispute is directly with the webmasters, content creators, and/or other owners of the content. Where available, you can find a "Contact us" link or an email address for the webmaster on the webmaster website. This information is often on the site's homepage.

If you have already reached out to the webmaster and failed to reach a satisfactory resolution, please let us know by replying to this email and we will evaluate your request.

For App Engine and Compute Engine, please provide:

- the URL where the content in question is appearing
- the Google Cloud Platform IP address associated with the URL

If you'd like to request removal of content from a different Google product, please [submit your notice here](#) and select the correct product.

If you'd like to request removal of content from Google's search results, please [submit your notice here](#).

Regards,  
The Google Team

*Due to the impact of COVID-19, it may take us longer than usual respond to your request. Our apologies for the inconvenience.*

For more information about our content removal process access [g.co/legal](http://g.co/legal).

## Report alleged copyright infringement

Country of residence  
United States

Full legal name  
David Caplan

Company name

Kilpatrick Townsend & Stockton LLP

Full legal name of the copyright holder you represent

Light & Wonder, Inc., formerly Scientific Games Corporation

Contact email address

[dcaplan@kilpatricktownsend.com](mailto:dcaplan@kilpatricktownsend.com)

Identify and describe the copyrighted work

Physical slot machine style games, online wagering versions of those games, and online and downloadable non-wagering versions of those games, all using Light & Wonder's famous 88 FORTUNES trademarks and associated distinctive copyrights and trade dress.

Where can we see an authorized example of the work?

<https://www.sggaming.com/games/Scientific-Games/class3/premium-games/88-Fortunes-7927>

Allegedly infringing URLs

<https://weblobby.triple-pq.com/game/HTML5/SlotGame16/73/dUY0VEFQYm80cFdKVU1qM1p3TIRHTHk3U1ViUXJyMnFjMVFc0xESjFIMmk4TW82VG9KbkE3TDdXamdwMHJiSG1jdmZwaS9ubW1NSV\0M24rZWljbHBDc2NXR3lxce1CUVdJWVZ4VmRMd2RucUo3VUo2S1M2ckdqQTk2YUV1cnF5UVNqNDkxbINLSjRpccnEwd3Jqb1IBPT0?sfx=1&bgm=1&lang=1&fps=0&mode=2>

I have a good faith belief that use of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law.

Please check to confirm

The information in this notification is accurate and I swear, under penalty of perjury, that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Please check to confirm

Signature

David Caplan

# EXHIBIT 3

**UNITED STATES DISTRICT COURT**  
for the  
**Northern District of California**

In re: DMCA Subpoena to Google LLC \_\_\_\_\_)

Plaintiff \_\_\_\_\_)

v. \_\_\_\_\_)

Civil Action No. \_\_\_\_\_)

Defendant \_\_\_\_\_)

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: Google LLC, ATTN: Legal Department c/o Corporation Service Company  
2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833

(Name of person to whom this subpoena is directed)

**Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment A

Place: KILPATRICK TOWNSEND & STOCKTON LLP 1801 Century Park East, Suite 2300 Los Angeles, CA 90067	Date and Time:
--	----------------

**Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
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The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

**CLERK OF COURT**

OR

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

\_\_\_\_\_  
Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) \_\_\_\_\_  
\_\_\_\_\_, who issues or requests this subpoena, are: \_\_\_\_\_

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for (*name of individual and title, if any*) \_\_\_\_\_

on (*date*) \_\_\_\_\_ .

I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

on (*date*) \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:  
\_\_\_\_\_  
\_\_\_\_\_

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

### (c) Place of Compliance.

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

### (d) Protecting a Person Subject to a Subpoena; Enforcement.

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

**(A) When Required.** On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

### (e) Duties in Responding to a Subpoena.

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

#### (g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

**ATTACHMENT A**

1. All information, including documents and electronic files, sufficient to identify the name(s), address(es), telephone number(s), e-mail address(es), and IP address(es) of the individual(s) who registered the domain: <https://www.triple-pg.com>.
2. All information, including documents and electronic files, sufficient to identify the name(s), address(es), telephone number(s), e-mail address(es), and IP address(es) of the individual(s) who operates the website located at the domain: <https://www.triple-pg.com>.
3. All information, including documents and electronic files, sufficient to identify the name(s), address(es), telephone number(s), e-mail address(es), and IP address(es) of the individual(s) who posted the infringing content “888 Fortunes” at the following link: <https://weblobby.triple-pg.com/game/HTML5/SlotGame16/73/dUY0VEFQYm80cFdKVU1qM1p3TIRHTHk3U1ViUXJyMnFjMVFc0xESjFIMmk4TW82VG9KbkE3TDdXamdwMHJiSG1jdmZwaS9ubW1NSVV0M24rZWljbHBDe2NXR3lxcE1CUVdJWVZ4VmRMd2RucUo3VUo2S1M2ckdqQTk2YUV1cnF5UVNqNDkxbLNLSjRpLnEwd3Jqb1IBPT0?sfx=1&bgm=1&language=1&fps=0&mode=2>